

REMARKS

Claims 1-25 are pending. Of those, claims 1, 10 and 16 are independent.

§102 Rejection

Beginning on page 2 of the Office Action, claims 1-25 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,363,081 to Gase (the "Gase patent"). Applicant traverses.

Previously, the Examiner had applied the Gase patent as a secondary reference in an obviousness rejection under 35 U.S.C. §103(a). Accordingly, in Applicant's previous response, Applicant had presented traversal remarks with respect to the Gase patent. In the "Response Arguments" section (on page 4) of the Office Action, the Examiner has presented a rebuttal to Applicant's arguments relative to the Gase patent.

The Examiner has acknowledged Applicant's arguments via a substantial paraphrasing, albeit in a fair manner, of Applicant's primary argument concerning the Gase patent. Despite that acknowledgement, the Examiner has not responded with particularity in rebuttal to Applicant's arguments. Rather, the Examiner's rebuttal represents a conclusory statement, which is reprinted (underlining emphasis added) as follows:

However, as shown in figure 1, it is clear that the contested port 34 represents a liaison bus which handles communications from a plurality of end user (30, 32) devices that are intended for said monitoring interface (24) and to handle communications from said monitoring interface that correspond to said communications from said end user devices (30, 32), respectively, as disclosed in the application.

The Examiner has interpreted the contested port 34 in Fig. 1 of the Gase patent as a "liaison bus". Applicant disagrees with his interpretation, but will first address whether the Gase patent discloses a plurality of end user devices.

Applicant's claim 1 recites that the liaison interface handles communications from a plurality of end user devices. The Examiner appears to

be aware of Applicant's recitation of the plurality of end user devices, and has interpreted the primary application 30 and the secondary applications 32(i) as representing the plurality. Assuming for the sake of argument that it was reasonable to interpret the contested port 34 as corresponding to the liaison interface, Fig. 1 of the Gase patent depicts the contested port 34 as connecting the primary application 30 and the client 24 in a manner resembling a double-headed arrow, which indicates that the connection is bi-directional; hence, the client 24 could receive a communication from the primary application 30 via the contested port 34.

But inspection of Fig. 1 reveals that the connection between the primary application 30 and the secondary applications 32(i) is represented as a single-headed arrow from the primary application 30 to the secondary applications 32(i). Communications do not travel from the secondary applications 32(i) to the primary application 30. As such, the Examiner's interpretation of the Gase patent does not disclose a plurality of end user devices that send communications to a monitoring interface via a liaison interface. At most, only communications from one end user device, namely the primary application 30 (again, continuing with Applicant's assumption) travel through the contested port 34 toward the client application 24.

In view of the foregoing, Applicant asks: How is it clear from an inspection of Fig. 1 of the Gase patent that the contested port 34 handles communications from a plurality of end user devices? Answer: It is not clear; moreover, two or more such end user devices are not disclosed by the Gase patent.

Applicant now returns to and traverses the Examiner's interpretation that the contested port 34 represents a "liaison bus". By giving the contested port 34 such a label, it appears that the Examiner has asserted a correspondence between the contested port 34 and the liaison interface of claim 1. That is simply unreasonable. Nothing in the Gase patent suggests that the contested port 34 is anything other than a network port on the client

24; see column 2, lines 63-67. As defined, e.g., by whatis?com¹ (<http://whatish.techtarget.com>), a port is as follows:

In programming, a port (noun) is a "logical connection place" and specifically, using the Internet's protocol, TCP/IP, the way a client program specifies a particular server program on a computer in a network. Higher-level applications that use TCP/IP such as the Web protocol, Hypertext Transfer Protocol, have ports with preassigned numbers. These are known as "well-known ports" that have been assigned by the Internet Assigned Numbers Authority (IANA). Other application processes are given port numbers dynamically for each connection. When a service (server program) initially is started, it is said to bind to its designated port number. As any client program wants to use that server, it also must request to bind to the designated port number.

A port is a number. It is not an element capable of functioning. As such, it is unreasonable to interpret the contested port 34 as the "liaison interface to handle communications from said plurality of end user devices that are intended for said monitoring interface and to handle communications from said monitoring interface that correspond to said communications from said end user devices, respectively."

Independent claims 10 and 16 recite corresponding features that similarly distinguish over the Gase patent. Claims 2-9, 11-15 and 17-25 depend at least indirectly from claims 1, 10 and 16, respectively, and are patentable at least for the same reasons, by dependency.

In view of the foregoing, the §102(e) rejection of claims 1-25 over the Gase patent is improper and Applicant requests that it be withdrawn.

¹ http://searchnetworking.techtarget.com/sDefinition/0,,sid7_gci212807,00.html

CONCLUSION

The issues in the case are considered to be resolved. Accordingly, Applicant again requests a Notice of Allowability.


Person to Contact

In the event that any matters remain at issue in the application, the Examiners are invited to contact the undersigned at (703) 668-8000 in the Northern Virginia area

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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